

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner made the following rejections:

- 1) Claims 82-85 were rejected under 35 U.S.C. § 101;
- 2) Claims 1-9, 12-13, 16, 22, 26-27, 33-37, 41-49, 52-53, 56, 62, 66-67, 73-77, 82-83, 86-87, and 90 were rejected under § 102(e) as being anticipated by U.S. Patent No. 6,275,575 to Wu ("Wu");
- 3) Claims 10-11, 14-15, 23-25, 50-51, 54-55, and 63-65 were rejected under § 103(a) as being unpatentable over Wu;
- 4) Claims 17 and 57 were rejected under § 103(a) as being unpatentable over Wu in view of U.S. Patent No. 4,540,850 to Herr, et al.;
- 5) Claims 18-21 and 58-61 were rejected under § 103(a) as being unpatentable over Wu in view of U.S. Patent No. 6,697,796 to Kermani;
- 6) Claims 28-32 and 68-72 were rejected under § 103(a) as being unpatentable over Wu in view of U.S. Patent No. 6,163,692 to Chakrabarti et al. ("Chakrabarti");
- 7) Claims 38, 40, 78, 80-81, 85, and 89 were rejected under § 103(a) as being unpatentable over Wu in view of U.S. Patent No. 5,638,434 to Gottlieb et al. ("Gottlieb"); and
- 8) Claims 39, 79, 84, and 88 were rejected under § 103(a) as being unpatentable over Wu in view of Gottlieb further in view of Chakrabarti.

---

<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

By this amendment, Applicants have amended independent claims 1, 33, 39, 41, 73, 79, 81-85, 87, and 89-90 and dependent claims 35 and 75, and canceled claim 88. No new matter is introduced by this amendment.

**Rejections Under § 101:**

At Paragraphs 2-3 of the Office Action, the Examiner rejected claims 82-85 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. In response to this rejection, and without conceding to the Examiner's arguments regarding non-statutory subject matter, Applicants have amended claims 82-85 in part to recite a computer readable storage medium. Accordingly, Applicants respectfully request that the rejection of claims 82-85 be withdrawn.

**Rejections Under § 102:**

**Independent Claims 1, 33, 39, 41, 73, 82-84, 87, and 90**

At Paragraph 5 of the Office Action, the Examiner rejected claims 1, 33, 39, 41, 73, 82-84, 87, and 90 under 35 U.S.C. § 102(e) as being anticipated by Wu. Applicants respectfully traverse this rejection.

Claims 1, 33, 82-83, and 87 as amended, recite in part "identifying, without user intervention, participant users associated with the conference call event."<sup>2</sup> Wu is completely silent regarding at least this element of Applicants' claims. Specifically, Wu describes a coordinator who specifies participants for a multi-point teleconference. Wu, col. 5, ll. 45-47 and col. 6, ll. 46-49. Thus, Wu identifies participants through the coordinator's intervention. Even where Wu uses participant information from an email

---

<sup>2</sup> Although of different scope, claims 39 and 84 similarly recite "identifying, without user intervention, participant users that are to participate in the conference call;" and claims 41, 73, and 90 similarly recite "means for identifying, without user intervention, participant users associated with the conference call event."

program, contact list, or similar network-based client application, the coordinator still identifies the participants. Id. at col. 6, ll. 46-62. In contrast, Applicants' claims 1, 33, 39, 41, 73, 82-83, 87, and 90 recite, in part, "identifying, without user intervention, participant users."

Accordingly, Applicants respectfully urge that Wu is legally insufficient to anticipate claims 1, 33, 39, 41, 73, 82-84, 87, and 90 as amended, and Applicants respectfully request reconsideration and withdrawal of the rejection of these claims under 35 U.S.C. § 102(e).

Independent Claim 86

At Paragraph 5 of the Office Action, the Examiner rejected claim 86 under 35 U.S.C. § 102(e) as being anticipated by Wu. Applicants respectfully traverse this rejection.

Claim 86 recites:

86. A method for providing a conference call, comprising:  
detecting a request to establish a conference call initiated by a subscriber user;  
identifying participant users identified in the request;  
contacting the participant users;  
receiving a response from the participant users; and  
establishing a conference call between the participant users and the subscriber user based on the received responses,  
***wherein at least one of the contacting, receiving, and establishing steps is performed without user intervention.***

First, Applicants respectfully note that the Examiner did not address all of the elements of claim 86 in the Office Action. See Office Action at pp. 3-4. For example, the Office Action does not identify anything in Wu as corresponding to "wherein at least one of the contacting, receiving, and establishing steps is performed without user

intervention,” as recited in claim 86. Accordingly, Applicants respectfully submit that the rejection of claim 86 is legally insufficient.

Moreover, as described above in reference to, e.g., claim 1, Wu describes a system with a coordinator’s intervention. Wu, col. 5, ll. 45-47 and col. 6, ll. 46-49. Wu is completely silent regarding Applicants’ “wherein at least one of the contacting, receiving, and establishing steps is performed without user intervention,” as recited in claim 86. Accordingly, Applicants respectfully urge that Wu is legally insufficient to anticipate claim 86, and Applicants respectfully request reconsideration and withdrawal of the rejection of this claim under 35 U.S.C. § 102(e).

**Dependent Claims 2-32, 34-38, 42-72, and 74-78**

Dependent claims 2-32, 34-38, 42-72, and 74-78 depend from claims 1, 33, 41, and 73 respectively. Therefore, these dependent claims are distinguished from Wu for at least the same reasons given above with respect to their independent claims. Accordingly, Applicants respectfully request that the rejections of these dependent claims under 35 U.S.C. §§ 102(e) and 103(a) be likewise withdrawn and the claims allowed.

**Rejections Under § 103:**

**Independent Claims 40, 80, and 85**

At Paragraph 11 of the Office Action, the Examiner rejected claims 40, 80, and 85 under 35 U.S.C. § 103(a) as being unpatentable under Wu in view of Gottlieb. Applicants respectfully traverse this rejection.

Claim 40 recites:

40. A method for providing a conference call, comprising:

receiving a message from a first server including instructions for establishing a conference call between participant users and a subscriber user that previously scheduled the conference call with a second server, wherein ***the second server automatically initiates configuration of the conference call based on the subscriber user's schedule by providing to the first server contact information for the participant users*** and the message includes the contact information;

calling the participant users using the contact information included in the message;

receiving a response from the participant users, wherein the response reflects whether the participant user has answered, accepted, not answered, or declined to accept the call; and

establishing a conference call between the users based on the response received from the participant users.<sup>3</sup>

First, Applicants respectfully note that the Examiner did not address all of the elements of claims 40, 80, and 85 in the Office Action. See Office Action at pp. 12-13. For example, the Office Action does not identify anything in Wu or Gottlieb as corresponding to “calling the participant users using the contact information included in the message [from a first server]” in combination with “establishing a conference call between the users based on the response received from the participant users,” as recited in claims 40, 80, and 85. Accordingly, Applicants respectfully submit that the rejections of claims 40, 80, and 85 are legally insufficient.

Additionally, Wu and Gottlieb, whether considered individually or taken together, are completely silent regarding Applicants’ “wherein the second server automatically

---

<sup>3</sup> Although of different scope, claims 80 and 85 similarly recite, in part, “the second server automatically initiates configuration of the conference call based on the subscriber user’s schedule by providing to the first server contact information for the participant users and the message includes the contact information.”

initiates configuration of the conference call based on the subscriber user's schedule by providing to the first server contact information for the participant users," as recited in claim 40. The Examiner cites certain sections of Wu as allegedly disclosing this element. Office Action, p. 13 (citing Wu, col. 3, ll. 13-26; col. 5, l. 64 - col. 6, l. 6). Applicants respectfully traverse this characterization of Wu. These sections of Wu describe a teleconference server 106 that contacts participants *once the telephone conference commences*. Wu, col. 5, l. 64 - col. 6, l. 6. The teleconference server 106 does not automatically *initiate configuration* of the conference call, nor does it provide contact information to the first server. Rather, the teleconference server 106 is directed by the coordinating server device 102, which, in turn, is directed by the coordinator, as discussed above in reference to, e.g., claim 1. Similarly, Gottlieb teaches that a conference operator 108 will dial the telephone number of each participant. Gottlieb, col. 6, ll. 1-3.

Thus, both Wu and Gottlieb fail to teach or suggest a "second server" that "automatically initiates configuration of the conference call based on the subscriber user's schedule by providing to the first server contact information for the participant users." Applicants therefore respectfully urge that these references, whether considered individually or taken together, are legally insufficient to render claims 40, 80, and 85 obvious under 35 U.S.C. § 103(a). Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

Independent Claim 79

At Paragraph 12 of the Office Action, the Examiner rejected claim 79 under 35 U.S.C. § 103(a) as being unpatentable under Wu in view of Gottlieb and further in view of Chakrabarti. Applicants respectfully traverse this rejection.

First, Applicants respectfully note that the Examiner did not address all of the elements of claim 79 in the Office Action. See Office Action at p. 13. For example, the Office Action does not identify anything in Wu, Gottlieb, or Chakrabarti as corresponding to the “means for scheduling a conference call for a predetermined date using a calendar application,” recited in claim 79. Accordingly, Applicants respectfully submit that the rejection of claim 79 is legally insufficient.

Additionally, although it differs in scope from, e.g., claim 1, claim 79 similarly recites, in part, that the means for scheduling “identifies, without user intervention, participant users that are to participate in the conference call.” The three cited references all lack this element. Therefore, even if considered together, they fail to disclose or render obvious at least this element of claim 79.

For instance, as discussed above in reference to, e.g., claim 1, Wu identifies participants through the coordinator’s intervention. Wu, col. 5, ll. 45-47 and col. 6, ll. 46-49. Likewise, as discussed above in reference to claim 40, Gottlieb teaches that a conference operator 108 will dial the telephone number of each participant. Gottlieb, col. 6, ll. 1-3. Thus, Gottlieb lacks a means for scheduling that identifies participant users *without user intervention*. Finally, Chakrabarti is directed to subscribers joining or rejoining a voice conference after being disconnected. Chakrabarti, col. 11, l. 58 - col. 12, l. 14. Chakrabarti is completely silent regarding a “means for scheduling [that]

identifies, without user intervention, participant users that are to participate in the conference call,” as recited in claim 79.

Therefore, Wu, Gottlieb, and Chakrabarti all fail to teach or suggest a “means for scheduling [that] identifies, without user intervention, participant users that are to participate in the conference call,” as recited in claim 79. Applicants therefore respectfully urge that these references, whether considered individually or taken together, are legally insufficient to render claim 79 obvious under 35 U.S.C. § 103(a). Applicants respectfully request reconsideration and withdrawal of the rejection of this claim.

#### Independent Claims 81 and 89

At Paragraph 11 of the Office Action, the Examiner rejected claims 81 and 89 under 35 U.S.C. § 103(a) as being unpatentable under Wu in view of Gottlieb. Applicants respectfully traverse this rejection.

As amended, claim 81 recites, in part, “a plurality of participant users identified by the first server.”<sup>4</sup> As discussed above in reference to, e.g., claim 1, Wu identifies participants through the coordinator’s intervention. Wu, col. 5, ll. 45-47 and col. 6, ll. 46-49. Similarly, Gottlieb teaches that a conference operator 108 will dial the telephone number of each participant. Gottlieb, col. 6, ll. 1-3.

Thus, both Wu and Gottlieb fail to teach or suggest every element recited in claims 81 and 89. Applicants therefore respectfully urge that these references, whether considered individually or taken together, are legally insufficient to render claims 81 and

---

<sup>4</sup> Although of different scope, claim 89 similarly recites “participant users identified by the first server.”



89 obvious under 35 U.S.C. § 103(a). Applicants respectfully request reconsideration and withdrawal of the rejection of this claim.

**Conclusion:**

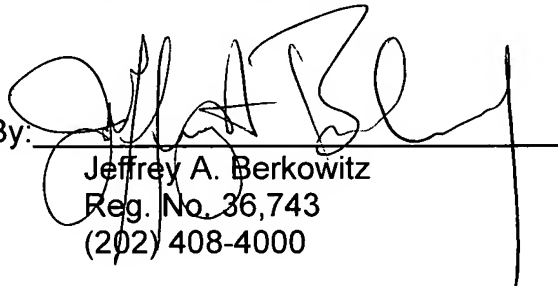
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 30, 2008

By:   
Jeffrey A. Berkowitz  
Reg. No. 36,743  
(202) 408-4000